

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

IN RE:	)	
	)	CASE NO.: 23-00924
Jeremy Ryan Burton	)	CHAPTER: 13
SSN# (xxx-xx-9988)	)	
Karolynn Nadeane Redding	)	
SSN# (xxx-xx-9861)	)	
	)	
2362 Parsonage Rd. Unit 1A	)	NOTICE OF MOTION
Charleston, SC 29413	)	TO EXTEND AUTOMATIC STAY
	)	PURSUANT TO
Debtors.	)	11 U.S.C § 362(c)(3)
	)	

TO: TRUSTEE, ALL CREDITORS

**PLEASE TAKE NOTICE THAT ON** April 27, 2023 at 10:30 a.m., at the United States Bankruptcy Court, 145 King Street, Room 225, Charleston, SC 29401, a hearing will be held on the attached Motion.

Within fourteen (14) days after service of the attached Motion, Notice of Motion and Movant's Certification of Facts, any party objecting to the relief sought shall:

1. File with the Clerk of this Court a written objection to the § 362 Motion;
2. File with the Clerk of this Court a Certification of Facts;
3. Serve on the Movant items 1 & 2 above; and
4. File a Certificate of Service with the Clerk of this Court.

Should you fail to comply with this procedure, you may be denied the opportunity to appear and be heard on this proceeding before the Court.

DATE OF SERVICE: April 7, 2023

MOVANT: Debtors

ATTORNEY: /s/ John Christian Waites

ATTORNEY'S ADDRESS: Moss & Associates Attorneys, P.A.  
2170 Ashley Phosphate Rd, Suite 405  
North Charleston, South Carolina 29406  
(843) 744-3002

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

IN RE: )  
 ) CASE NO.: 23-00924  
Jeremy Ryan Burton ) CHAPTER: 13  
SSN# (xxx-xx-9988) )  
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 )  
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2362 Parsonage Rd. Unit 1A )  
Charleston, SC 29413 )  
 )  
 )  
Debtors. )  
 )

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**MOTION TO EXTEND AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362(c)(3)**

Debtors hereby move before this Court for an Order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3). In support of such, debtors represent as follows:

1. Mr. Burton filed a Petition for Relief under Chapter 13 of the Bankruptcy Code on December 28, 2022, having a case number 22-03553-eg. The case was dismissed for failure to appear at meeting of creditors and failure to make timely payments on February 15, 2023.
2. Debtors filed the above-captioned case on March 31, 2023.
3. Because Mr. Burton had a previous Chapter 13 Bankruptcy dismissed within the last year, 11 U.S.C. § 362(c)(3) provides that the automatic stay of 11 U.S.C. § 362(a) shall terminate thirty (30) days after the filing of the petition, absent an order of this Court extending the stay.
4. In order to have the stay extended, debtors have the burden of proving to the Court, pursuant to 11 U.S.C. § 362(c)(3)(B), that this case was filed in good faith.

Additionally, a presumption against good faith may arise in this case under 11 U.S.C. § 362(c)(3), because the previous case was dismissed for failure to make plan payments.

5. Debtors are informed and believe that they can prove good faith in this case which would justify an extension of the automatic stay.

6. During his previous case, Mr. Burton encountered serious health issues, including pneumonia, which required him to pay significant out-of-pocket medical costs and miss over one week of work. In addition, the debtors were in the process of moving to a new apartment which caused them unanticipated moving expenses. Due to the unanticipated moving costs, medical costs, and time off work, the debtors could not afford the trustee payment and Mr. Burton's case was ultimately dismissed.

7. In the current case, Mr. Burton has recovered from his medical issues and does not anticipate missing significant time from work in the future. Furthermore, the debtors do not anticipate moving. Debtors believe now that Mr. Burton has recovered from his medical issues and the fact they do not anticipate future time off work or moving expenses, is a change in circumstances that will allow them to make all payments in this case.

8. In the above captioned case, Debtors understand their obligations regarding their Chapter 13 bankruptcy case. Debtors intend to make all plan payments in a timely manner. Debtors have filed this case in good faith and with the intention of completing the plan.

9. Debtors are informed and believe that they will provide an acceptable Chapter 13 plan to the Court. Debtors have the ability to succeed in their Chapter 13 bankruptcy and are proceeding in good faith. As such, the debtors request that this Court extend the automatic stay as to all creditors for the duration of this case.

WHEREFORE, debtors moves before this Court for an Order extending the automatic

stay of 11 U.S.C. § 362(a) as to all creditors for the duration of this case.

/s/ John Christian Waites

John Christian Waites  
Federal I.D. No. 12607  
2170 Ashley Phosphate Road, Suite 405  
North Charleston, South Carolina 29406  
(843) 744-3002  
[christian@mossattorneys.com](mailto:christian@mossattorneys.com)  
Attorney for the Debtor

Charleston, South Carolina  
April 7, 2023

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

## CERTIFICATION OF FACTS

In the above-entitled proceeding, in which a motion to extend or impose the automatic stay is sought pursuant to 11 U.S.C. § 362(c)(3), I do hereby certify to the best of my knowledge the following:

1. Case Number(s) of Case(s) Dismissed Within the Preceding One (1) Year Period.

22-03553

2. Reason for Dismissal of Case(s) Dismissed Within Preceding One (1) Year Period. (Specifically detail the circumstances surrounding dismissal of the prior case(s). A statement such as "loss of employment" or "illness," without further specificity, may not be sufficient to rebut a presumption of lack of bad faith pursuant to 11 U.S.C. § 362(c)(3) and (c)(4).

During his previous case, Mr. Burton encountered serious health issues, including pneumonia, which required him to pay significant out-of-pocket medical costs and miss over one week of work. In addition, the debtors were in the process of moving to a new apartment which caused them unanticipated moving expenses. Due to the unanticipated moving costs, medical costs, and time off work, the debtors could not afford the trustee payment and Mr. Burton's case was ultimately dismissed.

In the current case, Mr. Burton has recovered from his medical issues and does not anticipate missing significant time from work in the future. Furthermore, the debtors do not anticipate moving. Debtors believe now that Mr. Burton has recovered from his medical issues and the fact they do not anticipate future time off work or moving expenses, is a change in circumstances that will allow them to make all payments in this case.

3. Basis for Relief and Grounds in Support, include applicable subsection of 11 U.S.C. § 362 (State with specificity).

11 U.S.C. § 362(c)(3)(B)

11 U.S.C. § 362(c)(3)(C)(I)

4. Extenuating Circumstances (not already set forth above).

See attached Motion

Date: April 7, 2023

/s/ John Christian Waites  
John Christian Waites  
Federal I.D. No. 12607  
2170 Ashley Phosphate Road, Suite 405  
North Charleston, South Carolina 29406  
(843) 744-3002  
Attorney for the Debtor

**UNITED STATES BANKRUPTCY COURT  
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2362 Parsonage Rd. Unit 1A. )  
Charleston, SC 29413 )  
 )  
Debtors. )  
 )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on today's date, I served, on the person and addresses shown below and on the attached mailing matrix, via USPS, Debtor's Notice of Motion and Motion to Extend Automatic Stay.

U.S. Trustee  
1835 Assembly Street, Suite 953  
Columbia, South Carolina 29201

James M. Wyman, Chapter 13 Trustee  
VIA ELECTRONIC NOTICE

SEE ATTACHED FOR ADDITIONAL PARTIES

MOSS AND ASSOCIATES ATTORNEYS, P.A.

By: /s/ Stacey Stebbins  
Stacey Stebbins  
Legal Assistant  
2170 Ashley Phosphate Road, Suite 405  
North Charleston, South Carolina 29406  
(843) 744-3002

Charleston, South Carolina

April 7, 2023

NIKEN COUNTY FAMILY COURT

AT&amp;T

ATHENA HEALTH

ATTN: CHILD SUPPORT

PO BOX 10330

311 ARESENAL STREET

1ST FLOOR

Fort Wayne IN 46851-0330

Watertown MA 02472-2785

.09 PARK AVE SW

Niken SC 29801

MUGUSTA COLLECTION AGENCY

BANK OF MISSOURI

(p)CAINE &amp; WEINER COMPANY

109 MEDICAL CENTER DR. #4

2700 S LORRAINE PLACE

12005 FORD ROAD 300

Augusta GA 30909-6641

Sioux Falls SD 57106-3657

DALLAS TX 75234-7262

APTIAL ONE

(p)CARMAX AUTO FINANCE

CHARLESTON COUNTY CLERK OF COURT

PO BOX 31293

225 CHASTAIN MEADOWS CT

100 BROAD STREET, STE 106

Salt Lake City UT 84131-0293

KENNESAW GA 30144-5942

Charleston SC 29401-2210

CHARLESTON COUNTY TREASURER

CONVERGENT OUTSOURCING

CONVERGENT OUTSOURCING

PO BOX 878

1040 STEVENS CREEK RD.

800 SW 39TH STREET

Charleston SC 29402-0863

Augusta GA 30907-3204

Renton WA 98057-4927

REDENCE RESOURCES MANAGEMENT

CREDIT ACCEPTANCE

CREDIT COLLECTION SERVICES

222 TRINITY MILLS, SUITE 260

25505 W 12 MILE ROAD. STE 3000

PO BOX 607

Dallas TX 75287-7666

Southfield MI 48034-8331

Norwood MA 02062-0607

CREDIT FIRST

CREDIT FIRST NATL ASSOC

Directv, LLC

1275 EASTLAND ROAD

PO BOX 8135

by American InfoSource as agent

Brookpark OH 44142-1399

Cleveland OH 44181-0315

PO Box 5072

Carol Stream, IL 60197-5072

LINE HOMES OF CHARLESTON

FIRST PREMIER BANK

IC SYSTEM

1024 FIELDSTONE CIRCLE

605 S MINNESOTA AVE

PO BOX 64378

Charleston SC 29414-7571

Sioux Falls SD 57104-4824

Saint Paul MN 55164-0378

IC SYSTEMS

IRS

(p) JEFFERSON CAPITAL SYSTEMS LLC

PO BOX 64378

PO BOX 7346

PO BOX 7999

Saint Paul MN 55164-0378

Philadelphia PA 19101-7346

SAINT CLOUD MN 56302-7999

OHLS

Karolynn Nadeane Redding

LANIER COLLECTION AGENCY

PO BOX 3115

2362 Parsonage Rd. Unit 1A

18 PARK OF COMMERCE BLVD.

Milwaukee WI 53201-3115

Charleston SC 29414-6313

Savannah GA 31405-7410

NVN Funding, LLC Case 23-00924-eg Doc 14 Filed 04/07/23 Entered 04/07/23 13:20:33 Desc Main Document Page 9 of 10

Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

MICHELINE THOMAS  
1524 PINE LOG ROAD  
Aiken SC 29803-5721

(p) NATIONAL CREDIT SYSTEMS  
ATTN BANKRUPTCY  
PO BOX 672288  
MARIETTA GA 30006-0039

AYVANTAGE  
217 STONE ST.  
Jonesboro AR 72401-4520

PEN FED CREDIT UNION  
2930 WISENHOWER AVE.  
Alexandria VA 22314-4557

(p) PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

RESTIGE FINANCIAL  
51 W OPPORTUNITY WAY  
Draper UT 84020-1399

(p) PARAMOUNT RECOVERY SYSTEMS  
ATTN SUSAN SANCHEZ  
7524 BOSQUE BLVD SUITE L  
WACO TX 76712-3772

REGIONS BANK  
PO BOX 2527  
Mobile AL 36652-2527

RESURGENT CAPITAL SERVICES  
PO BOX 1269  
Greenville SC 29602-1269

RNR TIRE  
7001 RIVERS AVENUE  
Charleston SC 29406-4606

SC DEPT OF CHILD SUPPORT ENFORCEMENT  
PO BOX 1489  
Columbia SC 29202-1489

SC DEPT OF REVENUE  
PO BOX 12265  
Columbia SC 29211-2265

SC FEDERAL CREDIT UNION  
POB 190012  
North Charleston SC 29419-9012

SPERO FINANCIAL CREDIT UNION  
PO BOX 10708  
Greenville SC 29603-0708

TAFFORD GROUP AND ASSOCIATES  
940 W ORANGEWOOD AVE., SUITE 211  
Orange CA 92868-5042

STATE CREDIT UNION  
PO BOX 726  
Columbia SC 29202-0726

(p) T MOBILE  
C O AMERICAN INFOSOURCE LP  
4515 N SANTA FE AVE  
OKLAHOMA CITY OK 73118-7901

Trident Regional Medical Center  
Resurgent Capital Services  
PO Box 1927  
Greenville, SC 29602-1927

US AUTO FINANCE  
824 N MARKET STREET, STE 220  
Wilmington DE 19801-3024

VERIZON  
PO BOX 650051  
Dallas TX 75265-0051

WEST ASHLEY MAGISTRATE  
720 SAM RITTENBERG BLVD, #11  
Charleston SC 29407-8900

WORLD FINANCE  
108 FREDRICK STREET  
Greenville SC 29607-2532

James M. Wyman  
PO Box 997  
Mount Pleasant, SC 29465-0997

Jeremy Ryan Burton  
1362 Parsonage Rd. Unit 1A  
Charleston, SC 29414-6313

John C Waites  
Moss & Associates Attorneys P.A.  
2170 Ashley Phosphate Rd.  
Ste 405  
North Charleston, SC 29406-4178

US Trustee's Office  
Strom Thurmond Federal Building  
1835 Assembly Street  
Suite 953  
Columbia, SC 29201-2448

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

NATIONAL CREDIT SYSTEMS  
OB 312125  
Atlanta GA 31131

CARMAN AUTO FINANCE  
225 CHASTAIN MEADOWS COURT  
Kennesaw GA 30144

JEFFERSON CAPITAL  
16 MCLELAND ROAD  
Saint Cloud MN 56303

MOBILE  
O BOX 37380  
Albuquerque NM 87176

PORTFOLIO RECOVERY  
120 CORPORATE BLVD, SUITE 100  
Norfolk VA 23502

Paramount Recovery  
7524 Bosque Blvd  
Waco TX 76712

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) Karolynn Nadeane Redding  
362 Parsonage Rd. Unit 1A  
Charleston, SC 29414-6313

End of Label Matrix	
Mailable recipients	56
Bypassed recipients	1
Total	57